IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 403 OF 2007

Balkrishna Gopal Murkar .. Applicant.

V/s.

Smt.Sunita Ankush Gadade .. Respondent.

Mr. R.V.Govilkar for the Applicant.

Mr.Sameer Bhalekar for the Respondent.

CORAM : S. A. BOBDE, J.

DATED : 21st AUGUST, 2007.

P.C. :-

. The court below has decreed the suit against the applicant/ petitioner. Mr.Govilkar, learned counsel for the applicant submits that the suit premises are in a slum area. The appellate court has properly discussed this issue and has come to the conclusion that the petitioner has not established in any manner that the suit premises are in a slum area. The Finding is based on the evidence of two witnesses including the Nayab Tahasildar.

2. A next contention on behalf of the petitioner that the finding of the courts below ought to have been that the petitioner’s hardship is greater, has no merit.

The respondent -landlady has only one room and she has established her bonafide need on the ground that both her sons will need additional space after marriage of her second son. The plaintiff is a retired mill worker and the defendant though employed somewhere has not produced his pay slips. However, the witness examined by him has deposed that accommodation is available in the locality. In the circumstances, it cannot be said that the hardship to the petitioner would be greater. I see no merit. The Revision Application is hereby dismissed.

3. However, Mr.Govilkar, the learned counsel for the applicant states that the applicant, who is present in the court is willing to give an undertaking to vacate the premises within a period of one year from today. The petitioner is therefore, directed to file an usual undertaking within the period of two weeks from today that he would undertake to vacate the premises within a period of one year from today. In the meanwhile, the petitioner is restrained from creating any third party right or interest in the premises or parting with possession to anybody. On the petitioner’s filing such an undertaking, the respondent shall not execute the decree for the aforesaid period. Disposed of accordingly.

(S.A.BOBDE,J.)

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